

TOWN OF NEWSTEAD  
ZONING BOARD OF APPEALS  
MINUTES of December 19, 2002

Present: Corky Keppler  
Bill Kaufman  
Ike Cummings  
Clark Killian  
Rebecca Baker, Zoning Officer  
Christine Falkowski, Recording Secretary  
Nathan Neill, Town Counsel

Corky Keppler called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

The public hearing was opened at 7:30 PM to hear comments for or against the request to allow an area variance to build a ranch house 48 feet from the road vs. the required 65 feet, located north of 6993 Maple Road, owned by Heidi Meides-Judge.

The Clerk read proof of publication.

Mrs. Meides explained that they wish to build a long modular home similar to her other daughter's home at 6993 Maple Road and for which a variance was granted to build 50 feet from the road a few years ago.

Mr. Neill explained that her request couldn't be considered at this time, as she does not have a building lot. The land must be subdivided first. Mrs. Baker added that Mrs. Meides must pay the \$650 minor subdivision fee in order to get Planning Board approval for the site. Mr. Neill stated that many small subdivisions can result in drainage issues, and that the minor subdivision process forces the Planning Board to review drainage issues first.

Also, the area variance request to build closer to the road should have gone to Erie County Planning first, as Maple Road is a State highway. It usually takes 30 days to receive comments back from them. Mrs. Meides will be notified by telephone with the date that the Planning Board will review her subdivision application.

No prior comments for or against have been received.

At 7:50 PM, the Zoning Board opened the meeting to review the special use variance granted on October 15, 2002 to operate 10 campsites behind the Country Cottage Motel located at 13536 Main Road (which is zoned C-2 and no longer allows campsites) owned by George Northem.

Mr. Neill stated that a use variance is usually an unlisted action and that the SEQR form should have been filed first. He reminded the Board that the use variance criteria must be followed and reviewed for all four points. If the SEQR form is not filed, the request could be thrown out. The County can comment or recommend for or against approval, but the Zoning Board has the ultimate vote. He also pointed out that all documents in the file are signed by George Northem, except a letter dated August 20<sup>th</sup> to the Town Board, which is signed by Thomas Northem. Who is Thomas?

Mr. Neill will send a letter to Mr. Northem informing him that the Board's decision is null and void, that SEQR should have been followed, that County Planning had to be notified and has 30 days to comment. The Zoning Board can reconsider his request once those issues are addressed.

Mrs. Baker explained and exhibited both short and long form SEQR to the Chairman, who has the responsibility of filling them out. He will fill out the SEQR forms and review them with the other members.

From now on, the Zoning Board will use the checklists provided by the Clerk for area and use variance requests. Also, Mr. Neill will prepare a SEQR checklist, especially for use variances. He requested that the Board justify everything with an eye toward avoiding lawsuits. Mr. Neill stated that he may recommend that someone be appointed counsel to the Zoning Board.

Corky asked for clarification on the fifth item for area variance criteria as to "whether alleged difficulty is self-created". What is definition of "self-created"? Mr. Neill will look into this.

Ike motioned to adjourn the meeting at 8:45 PM, seconded by Clark and all approved.

Respectfully submitted,  
Christine B. Falkowski,  
Recording Secretary